

ORIGINAL

FEDERAL COMMUNICATIONS COMMISSION
LOCAL AND STATE GOVERNMENT ADVISORY COMMITTEE

Reply to: Kenneth S. Fellman, Esq.
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EX PARTE OR LATE FILED

October 10, 2000

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Intertribal Council on Utility Policy
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Public Service Commissioner
Lansing, Michigan

Fran Ulmer, Lieutenant Governor
Juneau, Alaska

Ms. Magalie Roman Salas, Secretary
Federal Communications Commission
445 Twelfth Street, SW, TW-B204
Washington, D.C. 20554

Re: Ex Parte Notification
WT Docket No. 99-217, CC Docket No. 96-98

Dear Ms. Salas:

Enclosed please find an original and two copies of the following ex parte notification.

On October 4, 2000, the undersigned, as Chair of the FCC's Local and State Government Advisory Committee, met with Commissioner William Kennard. Also present at that meeting were LSGAC Vice-Chair Marilyn Praisner, LSGAC member Randy Johnson, the Chairman's Senior Legal Advisor Anna Gomez and the Commission's liaison to the LSGAC, Emily Hoffnar.

During that meeting the above referenced proceeding was discussed. Specific issues discussed were (i) the possible timing for Commission action on this item, (ii) the LSGAC's Advisory Recommendation No. 23, which suggested allowing national associations that represent local governments to address right of way regulatory and management issues (in lieu of Commission action), and (iii) the fact that various national associations had recently agreed to do so.

The Chairman was presented with a letter dated October 3, 2000 addressed to Marilyn Praisner and the undersigned from the National League of Cities, the National Association of Counties, the U. S. Conference of Mayors and the National Association of Telecommunications Officers and Advisors. A copy of that letter is attached.

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Ms. Magalie Roman Salas
October 10, 20000
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We advised Chairman Kennard that the LSGAC may issue another Advisory Recommendation addressing the issues in this docket, in light of the attached letter and the fact that the matter has not yet received final Commission consideration.

Very truly yours,

A handwritten signature in black ink that reads "Ken Fellman" followed by a stylized flourish or initial.

Ken Fellman, Chairman
LSGAC

cc: LSGAC members and staff
Dr. Emily Hoffnar

***The National League of Cities
The National Association of Counties
The United States Conference of Mayors
The National Association of Telecommunications Officers and Advisors***

October 3, 2000

Kenneth Fellman, Esq.
Chairman
Local and State Government Advisory Committee
c/o Kissinger & Fellman, P.C.
3773 Cherry Creek North Drive
Pitman Place, Suite 900
Denver, CO 80209

Ms. Marilyn Praisner
Vice-Chair
Local and State Government Advisory Committee
c/o 100 Maryland Ave.
Rockville, MD 20850

Dear Chairman Fellman and Vice Chair Praisner:

On behalf of the National League of Cities, the National Association of Counties, the U.S. Conference of Mayors, and the National Association of Telecommunications Officers and Advisors, we want to thank the Local State Government Advisory Committee for its thoughtful comments and recommendations to the FCC with respect to the Notice of Inquiry in WT Docket 99-217 and CC Docket 96-98 concerning local government control and management of public rights-of-way. We are also writing to advise you of our intention to develop a special joint publication on issues affecting local rights-of-way management.

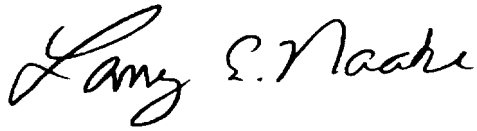
We recognize that there is continuing need for such information as cities, counties, and other local agencies work to promote competition among various providers of telecommunications and cable services, and as local governments strive to protect the public's interest in the performance and integrity of local rights-of-way. Moreover, as we approach the fourth anniversary of the Telecommunications Act of 1996 there is now a broader track record and expertise in many local governments in balancing these objectives – increased competition among private providers of these services and protecting the public's property interests.

On behalf of our organizations, we are prepared to deliver a local officials guide that will delve into a number of issues that have challenged local governments and industry. This guide would provide information to further assist cities and counties in managing their rights-of-way in this new competitive market. First, it would provide a clear description of the issues that are common to most local governments in examining the challenges before their community in working with private companies seeking to utilize local rights-of-way. Second, it would provide a checklist of the basic elements that cities and counties might consider, offering descriptions where appropriate of current local practices. This guide would also reference major court cases, the Act's applicable legislative history, and resources that are available to local areas seeking to respond to the challenges of a more competitive marketplace. We expect to deliver this guide to our members early next year with ongoing educational seminars to assist them in this regard.

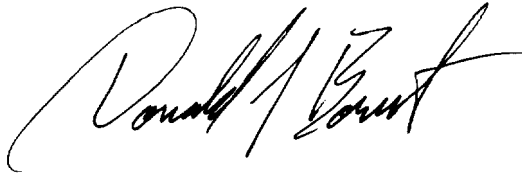
We hope that this letter provides you with the certainty about our continuing commitment to work with cities and counties on the many challenges before them in this important area.

Kenneth Fellman and Marilyn Praisner
October 3, 2000
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Sincerely,

A handwritten signature in black ink that reads "Larry E. Naake". The script is fluid and cursive, with the first name "Larry" being more prominent.

Larry E. Naake
Executive Director
National Association of Counties (NACo)

A handwritten signature in black ink that reads "Donald Borut". The signature is written in a bold, cursive style with a large, sweeping initial "D".

Donald Borut
Executive Director
National League of Cities (NLC)

A handwritten signature in black ink that reads "J. Thomas Cochran". The signature is written in a cursive style with a large, stylized initial "J".

J. Thomas Cochran
Executive Director
United States Conference of Mayors (USCM)

A handwritten signature in black ink that reads "Libby Beaty". The signature is written in a cursive style with a large, stylized initial "L".

Libby Beaty
Executive Director
National Association of Telecommunications Officers and Advisors (NATOA)